

***Village of Barrington
Zoning Board of Appeals
Minutes Summary***

Date: Tuesday, May 3, 2005

Time: 7:00 p.m.

Location: Village Board Room
200 South Hough Street
Barrington, Illinois

In Attendance: Patricia Pokorski, Chairperson
Ryan Julian, Commissioner
Bruce Kramer, Commissioner
Peg Moston, Commissioner
Victoria Perille, Commissioner
Daniel Fitzgerald, Commissioner

Staff Members: Jeff O'Brien, Planner/Zoning Coordinator

Call to Order

Ms. Pokorski called the meeting to order at 7:11 p.m.

Roll Call noted the following: Patricia Pokorski, Chair, present; Ryan Julian, present; Bruce Kramer, present; Peg Moston, present; Victoria Perille, present; Daniel Fitzgerald, present. There being a quorum established, the meeting proceeded.

Chairperson's Remarks

Ms. Pokorski announced the order of proceedings. Ms. Pokorski swore in all who would be speaking on the petition.

Ms. Pokorski announced that Commissioner Robert Henehan has moved out of the village and will no longer be on Zoning Board of Appeals Commission.

Old Business

None

New Business

ZBA 05-03: Georgian Court Apartments – 434-448 Ela Street (Special Use)

Petitioner: Arthur Goldner & Associates, Inc. c/o Bonnie Nortman

Randall Ziemann, representing the petitioner, stated the petitioner is seeking a special use permit for a new sign at the Georgian Court Apartments. The proposed sign will be located at the northwest corner of Ela Street and James Street. The property is currently being used for multiple family dwellings. The petitioner is requesting an identification 'For Lease' sign which will include the name of the housing unit.

Ms. Pokorski asked for the staff report.

Mr. O'Brien stated that the petitioner is requesting an identification sign. Per the sign ordinance, all permanent signs for residential developments require a special use permit. The sign will identify the development and provide leasing information. The proposed sign will be constructed of wood and will have maroon lettering and posts and a beige background. The petitioner is not proposing to illuminate the sign. Staff has reviewed the proposal and believes that the sign meets all of the Sign Ordinance's regulations for two-pole signs. Staff believes that the

location of the sign is appropriate because there are commercial, office and industrial uses on the north side of James Street and the Georgian Court apartments on the east side of Ela Street. No single family residences will be directly impacted by the installation of the proposed sign. Staff found that all eighteen standards have been met and recommends that the Zoning Board of Appeals adopt staff's findings of fact and recommend approval of a Special Use Permit for an identification sign associated with ZBA 05-03 to the Board of Trustees subject to the following condition:

1. The proposed sign shall be located on private property and shall have a minimum setback of two (2) feet from all property lines.

Ms. Pokorski asked for public comment. There was none.

Ms. Pokorski asked staff to clarify the wording on the sign.

Mr. O'Brien responded that the proposal in the board's packet is what the petitioner is proposing.

Ms. Pokorski noted some clerical errors to the staff report.

Mr. Fitzgerald asked the petitioner which direction the sign will face.

The petitioner responded the sign will face northeast.

Ms. Pokorski asked staff if the recommendation should include the illumination restrictions.

Mr. O'Brien replied that the restrictions are included in the proposal and will be attached as an exhibit to the ordinance.

Ms. Pokorski asked the commission if they were ready to consider a motion.

Motion:

Motion by Ms. Moston to recommend approval of ZBA 05-03 to include staff's conditions. Mr. Julian seconded the motion.

Roll Call Vote:

Mr. Julian – yes

Mr. Kramer – yes

Mr. Fitzgerald – yes

Ms. Perille – yes

Ms. Moston – yes

Ms. Pokorski – yes

Motion carried.

ZBA 05-06: Rowe Residence – 217 South Glendale Avenue (Variation)

Petitioner: Christopher and Carol Rowe

The petitioners are proposing to build a second story addition over the existing structure's footprint as well as a new front porch. The home currently has 3 bedrooms and 1.5 baths and will increase to 5 bedrooms and 3 bathrooms. He noted that the proposed addition would require a variation for the existing nonconforming interior side yard setbacks. The petitioner is proposing to construct a second floor over the existing first floor and extend the front porch to meet the northwest corner of the house. The resulting modifications require a variation of three (3) feet, one (1) inch on the north side of the property and eight (8) feet, three (3) inches on the south side of the property. There will be a continued encroachment (at the new second floor) into the side yard setbacks of 392 square feet as a result of this proposal. The porch extension will result in approximately nineteen (19) square feet of new encroachment into the required side yard.

Ms. Pokorski asked for staff comment.

Mr. O'Brien stated that the petitioner is seeking a variance from Chapter 6, Section 6.5, Subsection E, Number 3 of the Barrington Zoning Ordinance relative to continuing and encroachment into the required interior side yard setbacks on the north and south side of the property. The petition will require two variances, one for the encroachment on the south side and one for the encroachment on the north side. The property owner is proposing to construct a second story addition over a portion of the existing residential structure. The current residence consists of a one (1) story structure. The property is zoned R-4 Single Family Residential and requires minimum interior side yard setbacks of fifteen (15) feet. The R-4 zoning district also requires a minimum lot width of ninety (90) feet. The subject property is only sixty-three (63) feet wide – substantially narrower than required by the Zoning Ordinance.

The east side of South Glendale Avenue between Warwick Avenue and Eastern Avenue was down-zoned from the R-6 district to the R-4 district in 2001. The required side yard setbacks in the old R-6 district were ten (10) percent of the lot width. Staff believes that a future re-zoning of these properties may be appropriate based on the width of the lots. The vast majority of the properties on the east side of South Glendale Avenue are sixty (60) feet wide. Staff believes that the R-5 zoning district may be more appropriate based on the width and size of the properties. The R-5 zoning district requires the side yard setbacks to be twelve and one-half (12.5) percent of the lot width. Under R-5 zoning, the subject property the side yard setbacks would be seven (7) feet, eleven (11) inches. Staff found that the proposed additions and their footprint did not encroach any further than the existing structure. Staff determined that a hardship was created by the setback regulations, the property's width, and the existing structure's location on the property. Mr. O'Brien indicated that staff was recommending approval of the variation based on the findings detailed in the staff report.

Ms. Pokorski asked for public comment.

Ted Haronias, 223 South Glendale Avenue

Mr. Haronias stated that he is in support of the variance and hopes the board will approve the request.

Mr. Julian asked the petitioner if they are extending the porch toward the driveway and will there be building above the porch.

Mr. Rowe responded they will be extending the porch and nothing will be constructed above the porch.

Mr. O'Brien stated that staff is usually against this type of petition, however, due to the zoning restrictions, staff recommends approval.

Mr. Julian commented that he is glad to see that there is a driveway separating the neighbors homes.

Ms. Pokorski noted that the daylight plane has been met.

Ms. Pokorski noted some typographical errors to the staff report.

Mr. Fitzgerald asked the petitioner if they lived at the residence in 2001 when the property was rezoned.

Mr. Rowe responded yes.

Mr. Julian commented that his only concern is the extension of the porch.

Mr. Fitzgerald asked what was the zoning prior to 2001.

Mr. O'Brien replied the area was zoned R6.

Ms. Pokorski asked the board if they were ready to consider a motion.

Motion:

Motion by Mr. Julian to recommend approval of ZBA 05-06 with staff's recommendations. Ms. Moston seconded the motion.

Roll Call Vote:

Mr. Julian – yes

Mr. Kramer – yes

Mr. Fitzgerald – yes

Ms. Perille – yes

Ms. Moston – yes

Ms. Pokorski – yes

Motion carried.

ZBA 05-07: Lewandowski Residence – 229 West Lincoln Avenue (Variation)

Petitioner: James and Noreen Lewandowski

Mr. O'Brien noted that the petitioner has not been sworn in.

Ms. Pokorski swore in the petitioner.

Mr. Lewandowski stated that he is proposing to build a new detached two-car garage in the same location as the existing garage. He noted that the proposed garage would require a variation for the interior side yard and rear yard setbacks. Mr. Lewandowski stated that the location of the existing home and the width of the property created inadequate vehicular clearance between the home and the proposed garage.

Mr. Pokorski asked for the staff report.

Mr. O'Brien stated that the property owner is proposing to demolish the existing eighteen (18) foot by eighteen (18) foot two-car, detached garage and construct a new twenty-two (22) foot by twenty (20) foot two-car detached garage. The existing structure is currently nonconforming and is located less than one (1) foot from the side lot line (west), where three (3) feet is required. Additionally, the existing garage is located three (3) feet from the rear (south) lot line, where five (5) feet is required. The existing garage also exceeds the height regulations. The petitioner is requesting to locate the proposed garage in approximately the same location as the existing garage. Thus the new garage will be located at a one (1) foot setback along the west property line and a three (3) foot setback along the south property line. Variations of two (2) feet are required for both the side (west) and rear (south) yard setbacks. The new garage will conform to the Village's height regulations.

The garage currently has a total encroachment of seventy-two (72) square feet into the required side and rear yard setbacks. Due to the expansion of the garage's width and depth, an additional encroachment of twelve (12) square feet will occur as a result of this proposal. Therefore the total encroachment for the new garage into the required yards will be eighty-four (84) square feet. The garage meets the zoning requirements for height, daylight plane, lot coverage and floor area.

The petitioner claims that the clearance and turning radius to enter and exit the new garage would not be possible if the garage were required to meet the side and rear yard setbacks due to the location of the existing house. On April 26, 2005, staff tested the petitioner's claim at the Public Safety Building. Using a full-sized sedan, staff found that the exiting movement from the garage would be extremely difficult. Without a grant of variation, staff found that the exiting movement that would result from petitioner's requested variation was easier, but still somewhat difficult. Based on this field test and the minimal new encroachment, staff believes these variations represent a minimum request that would be required to build a useable two-car garage that does not create an unsafe clearance between the garage and existing house.

Ms. Pokorski asked for public comment.

Bob Anderson, 228 West Russell Street

Mr. Anderson stated that he is against the petition for aesthetics purposes. The new footing could damage the existing trees. Mr. Anderson stated that he previously obtained a permit and was cautioned to protect the encroachment.

Mr. Lewandowski noted that even if he built his garage on the existing footprint tree roots may be damaged anyway.

Mr. Julian informed Mr. Anderson that the garage is moving east not closer to his property.

Mr. Bob Anderson stated that, based on the letter from the petitioner, he was under the impression that the garage would be constructed on the property lines. Based on the new information, Mr. Anderson retracted his opposition.

Mr. O'Brien presented a drawing to the adjoining neighbors to clarify any misunderstandings. Mr. O'Brien informed Mr. Anderson that the new garage will be no closer to his property.

Mr. Fitzgerald asked staff if the southwest corner of the new garage will be in the same location.

Mr. O'Brien responded yes.

Ms. Pokorski asked Mr. Anderson if he wanted to retract his opposition.

Mr. Anderson stated that although he has minor conflicts, he is not opposed to the variance request.

Ms. Pokorski commented that although staff has recommended the variance, the petitioners are requesting an additional encroachment and two-car garages are not usually considered a necessity by staff.

Mr. Julian stated he is concerned with the one-foot distance between the garage and the fence because this restriction could cause a difficulty for garage maintenance.

Ms. Moston acknowledged that although this is a further encroachment, to deny this request would create a hardship for the homeowner which could reduce the property value of the home.

Mr. O'Brien replied that staff did not consider maintenance for the building.

Mr. Lewondowski responded that he would do whatever was required to maintain his garage.

Ron Bopp, 230 Lincoln Avenue

Mr. Bopp stated that he is willing to work with the petitioner in order for him to maintain the garage.

Ms. Pokorski asked Mr. Bopp if he is in support of the petition.

Mr. Bopp stated yes.

Mr. Julian asked the petitioner if they removed the stairs to the garage would it allow for more useable garage space.

Mr. O'Brien replied that it might make more space, however, it would not be significant.

Mr. Fitzgerald asked the petitioner the use of the storage space in the garage.

The petitioner replied this area will only be used to store tools.

Ms. Perille asked the petitioner if the garage could be moved from the southwest corner to the southeast corner which has more useable area.

The petitioner stated that the house entrance and the steps head towards the existing location.

Mr. O'Brien informed Ms. Perille that the Architectural Review Commission discourages moving garages away from their traditional placement on properties.

Ms. Pokorski asked for clarification on staff's comments to item 5 of the staff report.

Mr. O'Brien stated the exiting and entering of the driveway creates unsafe vehicular clearance between the house and garage.

Ms. Moston remarked that she still believes there is a hardship in this case even though two-car garages are not a necessity. By limiting the homeowner to a one-car garage it creates a loss in property value.

Mr. Julian mentioned that he does not want to see the petitioner having to downgrade.

Mr. Anderson asked that extra care be taken when the new footings are placed.

Ms. Pokorski asked the board if they were ready to consider a motion.

Motion:

Motion by Ms. Moston to approve ZBA 05-07 to the Board of Trustees. Mr. Kramer seconded the motion.

Roll Call Vote:

Mr. Julian – yes

Mr. Kramer – yes

Mr. Fitzgerald – yes

Ms. Perille – yes

Ms. Moston – yes

Ms. Pokorski – yes

Motion carried.

Minutes

Ms. Pokorski noted changes to the March 1, 2005 and the April 12, 2005 minutes.

Motion:

Ms. Perille moved to approve the minutes of March 1, 2005 and April 12, 2005 with the noted corrections. Ms. Moston seconded the motion. Voice vote recorded all were ayes. Motion carried.

Planner's Report

Mr. O'Brien briefly discussed the status of future projects.

Adjournment

Ms. Pokorski asked for a motion to adjourn. Mr. Julian so moved.

Voice vote recorded all ayes. Motion carried.

Meeting adjourned at approximately 8:38 p.m.

Respectfully submitted,
Paula Emerson
Recording Secretary

Patricia Pokorski, Chairperson
Zoning Board of Appeals